

James E. Cecchi
Lindsey H. Taylor
**CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.**
5 Becker Farm Road
Roseland, NJ 07068-1739
(973) 994-1700

*Liaison Counsel for Lead Plaintiff
Sjunde AP-Fonden*

Gregory M. Castaldo
Matthew L. Mustokoff
Kimberly A. Justice
Meredith L. Lambert
KESSLER TOPAZ MELTZER & CHECK, LLP
280 King of Prussia Road
Radnor, PA 19087
(610) 667-7706

*Lead Counsel for Lead Plaintiff
Sjunde AP-Fonden*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD MONK, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

JOHNSON & JOHNSON, WILLIAM C.
WELDON, DOMINIC J. CARUSO and
PETER LUTHER,

Defendants.

Civil Action No. 10-4841(MAS)(DEA)

**LOCAL CIVIL RULE 7.1(d)(4)
STATEMENT IN LIEU OF BRIEF**

Lead Plaintiff hereby states that no brief is necessary to support its Motion to Seal the Brief and Exhibits to the Declaration of James E. Cecchi in support of its motion for leave to file a Second Amended Complaint, and Plaintiff further states that:

1. The Brief references materials and information that have been designated by Defendants as “Confidential” under the terms of the Discovery Confidentiality Order and, thus, according to the parties, could be deemed “trade secrets” or “confidential commercial information” pursuant to Fed.R.Civ.P. 26(c).

2. The Exhibits to the Declaration of James E. Cecchi are “clean” and redlined copies of the proposed Second Amended Complaint. The preexisting allegations were filed on the public docket, but the new allegations that Lead Plaintiff seeks to add in the Second Amended Complaint were also based upon information contained in documents which were designated as “Confidential”.

3. There was “good cause” for entry of the Discovery Confidentiality Order. To the extent that the information described in Paragraph 1 above constitutes “Confidential” information under the Discovery Confidentiality Order, “good cause” exists for the entry of a sealing Order.

4. Plaintiff takes no position as to whether the information designated by Defendants as “Confidential” is, in fact, properly designated as such. However, for purposes of this motion, it is assumed that Defendants have a good faith basis for so designating the matters and that there is a good faith basis for Defendants and the third parties to believe that the matters they designated as “Confidential” within the meaning of those terms as defined in the Discovery Confidentiality Order.

5. Because Defendants have designated the foregoing information as “Confidential” and such information is important for the Court to give full consideration to the issues set forth in Plaintiff’s Brief, Plaintiff is obligated under the terms of the Discovery Confidentiality Order to file the Brief under seal.

6. Likewise, the new allegations in the proposed Second Amended Complaint are based upon information gathered from documents which were designated as “Confidential”. If Defendants believe that the new allegations would reveal truly confidential information within the contemplation of *Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994), as opposed to information which is merely embarrassing, and the motion for leave to amend is granted, Lead Plaintiff respectfully suggests that the Second Amended Complaint be filed under seal and that a redacted version of the Second Amended Complaint with the added allegations redacted be filed on the public docket.

7. For the reasons set forth above, Plaintiff respectfully requests that the Court grant their Motion to Seal.

**CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.**
*Liaison Counsel for Lead Plaintiff
Sjunde AP-Fonden*

By: /s/James E. Cecchi
JAMES E. CECCHI

Dated: August 23, 2012

Gregory M. Castaldo
Matthew L. Mustokoff
Kimberly A. Justice
Joshua E. D’Ancona
Meredith Lambert
**KESSLER TOPAZ
MELTZER & CHECK, LLP**
280 King of Prussia Road
Radnor, PA 19087
(610) 667-7706